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ST. PAUL SURPLUS LINES INSURANCE
COMPANY

UNITED STATES DISTRICT COURT

THE NORTHERN DISTRICT OF CALIFORNIA

HOME DEPOT U.S.A., INC.,) Case No. 08-02713 SC
Plaintiff,)
vs.) UNITED STATES FIDELITY AND
UNITED STATES FIDELITY AND) GUARANTY COMPANY'S FRCP 26(a)(1)
GUARANTY COMPANY, TRAVELERS) INITIAL DISCLOSURES
INSURANCE COMPANY; DOES 1)
through 10, inclusive,) [FRCP 26(a)(1)]
Defendants.)

Pursuant to FRCP 26(a)(1), Defendant United States Fidelity and Guaranty Company ("USF&G") hereby makes its mandatory initial disclosures of information reasonably available at this time as follows.

A. WITNESSES

USF&G takes the position that the question of whether Home Depot is entitled to coverage under a USF&G insurance contract depends solely on the language of the contract and the facts of the underlying action. Home Depot is not a party to the insurance contract and therefore has no standing to argue that the plain language of the contract does not accurately reflect the agreement of the parties. The witness with knowledge of whether there is coverage under the USF&G insurance contract is:

- ## 1. Joanne M. Chase.

Ms. Chase was involved in the acknowledgment and evaluation of plaintiff's tender of the

1 defense of the case entitled *Lewinstein v. Home Depot, et al.*, filed in Alameda County Superior
 2 court Case No. RG05222929 (the "Underlying Action"). Ms. Chase may be contacted through
 3 counsel for USF&G.

4 If the Court permits discovery into questions of contract formation, which it should not,
 5 USF&G identifies the following witnesses who have been identified by plaintiff:

6 1. Andrew Reiner.

7 USF&G is informed that Mr. Reiner is the president of GlideRite Corporation
 8 ("GlideRite"), the company that plaintiff entered into a contract with to provide and maintain
 9 carts at plaintiff's store, and under whose insurance plaintiff is alleged to be an additional
 10 insured. Mr. Reiner's last known address is 7100 Sophia Ave, Van Nuys, CA 91406.

11 2. Aram Bedros.

12 Mr. Bedros is employed by Grosslight Insurance Inc., ("Grosslight"), GlideRite's
 13 insurance brokerage firm. His name appears on an ACORD certificate issued to plaintiffs. Mr.
 14 Bedros' last know address is 1333 Westwood Blvd, Suite 200, Los Angeles, CA 90024.

15 3. Deanna Perez.

16 Ms. Perez is employed by Grosslight. She forwarded the tender of defense by plaintiff's
 17 counsel to USF&G. She may have information regarding the underwriting of GlideRite's
 18 insurance contracts. Ms. Perez's last know address is 1333 Westwood Blvd, Suite 200, Los
 19 Angeles, CA 90024.

20 4. Judy Holmes.

21 Ms. Holmes is employed by Grosslight. She may have information regarding the
 22 underwriting GlideRite's insurance contracts. Ms. Holmes' last know address is 1333 Westwood
 23 Blvd., Suite 200, Los Angeles, CA 90024.

24 5. Vanessa Ruiz.

25 Ms. Ruiz is employed by Grosslight, and assistant to Ms. Holmes. She forwarded a copy
 26 of the Kemper/Lumberman's policy to Joanne Chase (see above). Ms. Ruiz may have
 27 information regarding the underwriting of GlideRite's insurance contracts. Ms. Ruiz's last known
 28 address is 1333 Westwood Blvd., Suite 200, Los Angeles, CA 90024.

6. Karen M. Walker.

Ms. Walker may have involved in the underwriting of USF&G insurance contract and may be contacted through counsel for USF&G.

7. Yvonne Garrison.

Ms. Garrison may have been involved in the underwriting of USF&G insurance contract and may be contacted through counsel for USF&G.

B. DOCUMENTS

USF&G has produced a copy of the non-privileged portion of its claim file and the relevant insurance contract, which established that Home Depot is NOT an insured on the USF&G insurance contract.

C. COMPUTATION OF DAMAGES

USF&G are not seeking damages in this action other than recoverable attorneys' fees and costs, which are not susceptible to computation at this time.

D. INSURANCE POLICIES

USF&G has produced a copy of insurance contract No. BK01741173, for the period September 4, 2003 to September 4, 2004, which was in effect at the time of the accident which was the suspect of the underlying action.

Dated: September 4, 2008

MORISON ANSA HOLDEN ASSUNCAO &
PROUGH, LLP

By: /s/ *Marc J. Derewetzky*

Marc J. Derewetzky

Attorneys for Defendant
UNITED STATES FIDELITY AND
GUARANY COMPANY